

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

AVM TECHNOLOGIES, LLC,	)	
	)	
Plaintiff,	)	
	)	C.A. No. 10-610-RK
v.	)	
	)	
INTEL CORPORATION,	)	
	)	
Defendant.	)	

**SCHEDULING ORDER**

The Court having held a telephonic Scheduling Conference with the parties on September 20, 2010, counsel for AVM Technologies, LLC ("Plaintiff") and counsel for Intel Corporation ("Defendant")(collectively "the parties") submit this Proposed Scheduling Order.

**A. Jurisdiction and Service**

The parties agree that the Court has subject matter jurisdiction over Plaintiff's claims and Defendant's counterclaims. No party has objected to personal jurisdiction of this Court. All named parties have been served.

**B. Joinder of Parties**

The parties propose a December 20, 2010 deadline to add any additional parties.

**C. Proposed Schedule**

The parties propose the following schedule:

Event	Date
<b>Fact Discovery Phase</b>	
Fed. R. Civ. P. 26(a) Initial Disclosures Due	10/22/10
Deadline for joining additional parties	12/20/10
Deadline for AVM to identify accused products	4/1/11
Deadline to amend pleadings without leave of court.	4/22/11
Deadline for Defendant to produce any opinion of counsel upon which it intends to rely as a defense to willful infringement	3/31/11
Deadline for completion of fact discovery	7/15/11
<b>Claim Construction Phase</b>	
Deadline for AVM to advise of asserted claims	12/20/10
Deadline for parties to exchange claims terms that need to be construed.	1/6/11
Deadline for meet and confer regarding narrowing/reducing claim construction issues.	1/25/11
Joint claim construction chart due	2/1/11
Opening claim construction briefs due	2/22/11
Responsive claim construction briefs due	3/22/11
Technical tutorial for court	4/5/11
Claim construction hearing	4/6/11
<b>Expert Discovery Phase</b>	
Opening expert reports due	8/16/2011
Rebuttal expert reports due	9/16/2011

<b>Discovery Phase</b>	
Deadline for completion of expert discovery	10/14/2011
<b>Summary Judgment Phase</b>	
Deadline for filing summary judgment motions	11/14/2011
Deadline for oppositions	12/5/2011
Deadline for reply briefs in support of summary judgment	12/19/2011
Hearing on summary judgment motions	1/9/2012
<b>Trial Phase</b>	
Deadline for <i>Daubert</i> Motions	2/6/2012
AVM to provide draft joint pretrial order	2/6/2012
Intel to provide response to draft joint pretrial order	2/17/2012
Joint pretrial order due	2/27/2012
Motions in limine due	2/27/2012
Oppositions to motions in limine due	3/19/2012
Pretrial conference	4/2/2012
Trial (7-8 full trial days)	4/16/2012

#### **D. Discovery Limits**

The parties agree to adhere to the limitations on discovery set forth in the Federal Rules of Civil Procedure, the Local Rules of this Court, and this Court's standing Orders, except as set forth below or as further ordered by the Court.

##### **1) Discovery Requests:**

- a) Interrogatories: Each party may serve a maximum of forty-five (45) interrogatories directed to all discovery issues.

- b) Requests for Admission: Each party may serve a maximum of sixty-five (65) requests for admission, exclusive of requests directed solely to the authentication of documents. Neither party waives its right to seek leave for additional requests for admission for good cause shown.
  - c) Depositions: The parties agree that, absent leave of the Court, each party may take a maximum of one hundred (100) hours of fact depositions, including testimony designated for purposes of Fed. R. Civ. P. 30(b)(6). Each deposition will count for a minimum of two hours. Neither party waives its right to seek additional deposition time for good cause shown.
- 2) The parties agree that documents created on or after the filing date of the Complaint (*i.e.*, July 16, 2010) that are subject to being withheld on the grounds of the attorney-client privilege or attorney work product doctrine need not be listed on a privilege log.
  - 3) The parties will work in good faith toward reaching agreement regarding the scope and conduct of electronic discovery, including the form or forms in which it shall be produced, so as to minimize the burden and expense to all parties.
  - 4) The parties agree that a protective order to protect the confidentiality of sensitive business and technical information that may be exchanged during discovery is necessary. The parties will submit a Proposed Protective Order to the Court for its consideration. If the parties cannot agree to a Proposed Protective Order, they will work together to present any grounds for dispute to the Court for

resolution.

**E. Trial**

Based on current information and the best estimates of the parties, the parties agree that trial in this case will require 7-8 full trial days. Both parties seek a jury trial at this time.

**F. Settlement**

The parties are open to discussing settlement at any appropriate time during this litigation, and will keep the Court apprised of any developments.

**ASHBY & GEDDES**

*/s/ John G. Day*

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*/s/ David E. Moore*

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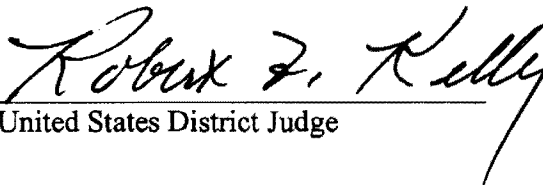
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SO ORDERED this 8<sup>th</sup> day of Oct., 2010

  
United States District Judge